

PROTOCOL

establishing the fishing possibilities and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal for the period from 2 October 1994 to 1 October 1996

Article 1

From 2 October 1994, for a period of two years, the limits referred to in Article 4 (2) of the Agreement shall be as follows:

1. trawlers (inshore demersal fishing for fish and cephalopods) not landing their catch in Senegal: 1 000 GRT/year, with the option of fishing with freezing facilities for 500 GRT;
2. ocean-going fish trawlers (deep-water demersal species) not landing their catch in Senegal and fishing for a period of four months: 4 000 GRT in each four-month period, with the option of fishing with freezing facilities for 1 000 GRT;
3. freezer trawlers (inshore demersal fishing for fish and cephalopods) landing and selling part of their catch in Senegal: 1 000 GRT/year;
4. freezer trawlers (inshore demersal fishing for fish and cephalopods) landing part of their catch in Senegal and fishing over a four-month period specified for each vessel in an overall fishing plan to be notified to the Senegalese Government by the Community every six months: 2 000 GRT in each four-month period;
5. ocean-going shrimp freezer trawlers (demersal) not landing their catch in Senegal: 5 000 GRT/year;
6. pole-and-line tuna vessels: 11 vessels;
7. freezer tuna seiners: 47 vessels;
8. surface longliners: six vessels.

Article 2

1. The financial compensation referred to in Article 9 of the Agreement is hereby fixed, for the period referred to in Article 1, at ECU 15 800 000 payable in two equal annual instalments.
2. The compensation shall be paid into the account of Senegal's Treasurer General.

Article 3

In addition, during the period referred to in Article 1, the Community shall contribute the sum of ECU 458 000 to

the financing of Senegal's scientific programmes intended to improve knowledge of fish stocks in Senegal's exclusive economic zone. This sum shall be made available to the Centre de Recherches Océanographiques de Dakar-Thiaroye (CRODT). The competent authorities in Senegal shall send the Commission summary reports on the programmes carried out.

Article 4

The two Parties agree that an essential factor for the success of their cooperation is that the competence and know-how of persons engaged in sea fishing should be improved. To this end, the Community will make it easier for nationals of Senegal to find places in establishments in its Member States and will provide for that purpose study and practical training awards in various scientific, technical and economic disciplines connected with fisheries.

These awards may be used also in any other State linked to the Community by a cooperation agreement. The total cost of the awards may not exceed ECU 230 000. At the request of the Senegalese authorities, part of this amount may be converted to cover the cost of attending international meetings or training courses in the fisheries field, and for the organization of seminars on fisheries matters in Senegal and as a contribution to the budget of regional cooperation bodies in the fisheries field. The amount shall be payable as and when it is used.

Article 5

The Commission shall also contribute to the financing of the following programmes:

- ECU 860 000 by way of assistance for the structures responsible for fisheries surveillance (PSPS),
- ECU 452 000 by way of institutional assistance for the structures in the Ministry of Fisheries responsible for monitoring and assessment,
- ECU 200 000 by way of assistance for non-industrial fishing.

These amounts shall be made available to the structures in question. The Senegalese authorities shall communicate the bank accounts to be used for these payments.

Article 6

Failure by the Community to make the payments provided for in Articles 2, 3 and 5 of this Protocol may result in the suspension of the Fisheries Agreement.

Republic of Senegal on fishing off the coast of Senegal is hereby repealed and replaced by the Annex to this Protocol.

*Article 8**Article 7*

Annex I to the Agreement between the European Economic Community and the Government of the

This Protocol shall enter into force on the date of its signing.

It shall apply with effect from 2 October 1994.

ANNEX

ANNEX I

CONDITIONS GOVERNING FISHING ACTIVITIES IN SENEGAL'S FISHING ZONE BY VESSELS
FLYING THE FLAG OF A MEMBER STATE OF THE COMMUNITY

A. Application for and issue of licences

- 1.1. The relevant Community authorities shall present to the Senegalese Ministry responsible for sea fisheries an application in respect of each vessel wishing to fish under the Agreement.

The application shall be made on the form provided for that purpose by the Government of Senegal, a specimen of which is at Appendix 1. It shall be accompanied by a tonnage certificate and proof of payment of the fee.

- 1.2. Fees shall include all national and local charges with the exception of port charges and the costs of services.

After payment of the fee, the licence shall be signed and forwarded to the delegation of the Commission of the European Communities in Dakar.

- 1.3. The period of validity of licences and the rate of fees shall be determined on the basis of the following annual periods:

- first year: from 2 October 1994 to October 1995
- second year: from 2 October 1995 to 1 October 1996

Trawlers fishing demersal species may, within the limits laid down in points 2 and 4 of Article 1 of the Protocol, obtain special licences valid for four months.

- 1.4. The fees and advances shall be for one year, except those referred to in point 1.3. They shall be set in accordance with the following rates:

(A) Fees for trawlers

1. Trawlers (inshore demersal fishing for fish and cephalopods) not landing their catch in Senegal: ECU 180 per GRT/year.
2. Ocean-going fish trawlers (demersal) not landing their catch in Senegal and fishing for a period of four months: ECU 35 per GRT/four months for wet fish trawlers and ECU 40 per GRT/four months for freezer trawlers.
3. Freezer trawlers (inshore demersal fishing for fish and cephalopods) landing and selling part of their catch in Senegal: ECU 140 per GRT/year.
4. Freezer trawlers (inshore demersal fishing for fish and cephalopods) landing part of their catch in Senegal and fishing over a four-month period specified for each vessel in an overall fishing plan to be notified to the Senegalese Government by the Community every six months: ECU 80 per GRT/four months.
5. Ocean-going shrimp freezer trawlers (demersal) not landing their catch in Senegal: ECU 140 per GRT/year.

(B) Fees for tuna vessels and longliners

1. Pole-and-line tuna vessels: ECU 8/tonne of fish caught in Senegal's fishing zone.

2. Freezer tuna seiners: ECU 20/tonne of fish caught in Senegal's fishing zone.
3. Surface longliners: ECU 46/tonne of fish caught in Senegal's fishing zone.

Licences for vessels as referred to in B(2) and (3) shall be issued following advance payment to the Receveur des Domaines of a lump sum of ECU 1 000 for each tuna seiner and ECU 1 150 for each surface longliner, which corresponds to the fees for 50 and 25 tonnes respectively of fish per vessel per year.

Upon receipt of the notification of payment of the advance sent by the Commission of the European Communities to the Senegalese authorities, the latter shall enter the vessel in question in the list of vessels authorized to fish which shall be sent to the Senegalese control authorities. A copy of the original of the licence may also be kept on board provisionally.

The final statement of the fees due for the fishing year shall be drawn up at the end of each calendar year by the Commission of the European Communities on the basis of catch statements made by the shipowners for each vessel and confirmed by the Centre de Recherches Océanographiques de Dakar-Thiaroye (CRODT). The statement shall be forwarded simultaneously to the Senegalese authorities and the shipowners. Each additional payment, if any, shall be made by the shipowners to the Receveur des Domaines not later than 30 days following the notification of the final statement.

However, where the sum due as set out in the final statement is less than the advance, the shipowner will not be reimbursed the difference.

- 1.5. The Senegalese authorities shall communicate, before the entry into force of the Agreement, the bank account to be used for payment or transfer of the fees.

B. Statements of catch

All vessels authorized to fish in Senegalese waters under the Agreement shall be required to forward to the Direction de l'Océanographie et des Pêches Maritimes, with a copy to the delegation of the Commission of the European Communities in Dakar, a statement of their catch made out according to Appendices 2, 3, 4 and 5. These statements must be presented after each voyage in the case of wet fish trawlers; for freezer trawlers, monthly catch statements must be forwarded before the end of the month following the vessel's return.

Should these provisions not be adhered to, the Government of Senegal reserves the right to suspend the licence of the offending vessel until the formality has been completed and to apply the sanction provided for under Article 58 of Senegal's sea fisheries code. In this case, the delegation of the Commission of the European Communities at Dakar shall be informed.

C. Landing of catch

- (a) Freezer trawlers (inshore demersal fishing) in category 3 shall land, for local market prices, 200 kilograms of fish and shrimp per GRT every half-year.

These landings may be made individually or collectively.

Any failure to comply with the requirements to land catches may incur the following sanctions imposed by the Senegalese authorities:

- a fine of ECU 900 for each tonne not landed,
- withdrawal without renewal of the licence of the vessel concerned or of another vessel belonging of the same shipowner.

In order to ensure payment of the fine, the issuing of a licence shall be subject to the lodging in Senegal of a banker's guarantee of ECU 200 per GRT for every half-year.

The Senegalese authorities shall release this security as soon as a vessel has met its landing requirements in full.

- (b) In the case of pole-and-line tuna vessels, the target set by the two Parties shall be to land at least 3 500 tonnes of tuna a year in Senegalese ports at the international price applicable.

If, during the fishing year, total landings by the fleet concerned fall short of this minimum quantity as a result of an unforeseeable change in the state of fish stocks or the structure of the fleet, the two Parties shall enter into consultations without delay in order to establish the appropriate action to achieve the said quantity and ensure its implementation.

- (c) Freezer tuna seiners shall land 12 500 tonnes of tuna a year at the prevailing international price and in accordance with a programme to be established by agreement between Community shipowners and Senegalese canners. In the event of disagreement on the timetable for landings, the Joint Committee referred to in Article 11 of the Agreement shall hold a special meeting at the request of either of the Parties.

D. Signing-on of seamen

1. Trawlers and longliners authorized to fish in Senegalese waters under the Agreement shall be required to take on 33 % of their crew from among Senegalese seamen. This percentage shall include the observer or seaman/observer referred to at point H.

If the vessel holds a valid fishing licence issued by another country in the subregion (Mauritania, Gambia, Guinea-Bissau or Guinea), it shall be required to take on board a number of Senegalese seamen equivalent to 33 % of the non-officer crew assigned to sail the vessel.

2. In the case of freezer tuna seiners, the number of seamen to be taken on board shall be established globally on the basis of the scale of activity in Senegal's fishing zone and the employment of crew from other countries whose fisheries are frequented by that fleet.
3. Before licences are issued, the salary of these seamen shall be determined by common accord between the shipowners or their representatives and the Ministry responsible for the merchant navy. It shall be paid by the shipowners and shall include the social security applicable to the seamen (e. g. life, accident and sickness insurance).

E. Special equipment and supplies and services

Wherever possible, Community vessels shall procure the supplies and services they require, including dry dock facilities and regular maintenance, in Senegal.

F. Fishing zones

1. Wet fish trawlers (inshore demersal fishing) of less than 300 GRT shall be authorized to fish:
- (a) from six nautical miles off the baselines between the Senegal-Mauritania border and the latitude of Cape Manuel (14°36'00"N);
 - (b) from seven nautical miles off the baselines between the latitude of Cape Manuel (14°36'00"N);
 - (c) from six nautical miles off the baselines between the southern Senegal-Gambia border and the Senegal-Guinea Bissau border.
2. Wet fish trawlers (inshore demersal fishing) of more than 300 GRT and freezer trawlers (inshore demersal fishing) shall be authorized to fish beyond 12 nautical miles from the baselines of the waters under Senegal's jurisdiction.
3. Ocean-going trawlers for demersal species shall be authorized to fish:
- (a) from 12 nautical miles off the baselines between the Senegal-Mauritania border and latitude 15°00'N;

- (b) from six nautical miles off the baselines between latitude 15°00'N and the latitude of Portudal (14°27'00"N);
 - (c) from 25 nautical miles off the baselines between the latitude of Portudal (14°27'00"N) and the northern Senegal-Gambia border;
 - (d) from 35 nautical miles off the baselines between the southern Senegal-Gambia border and the Senegal-Guinea Bissau border.
4. Pole-and-line tuna vessels and freezer tuna seiners shall be authorized to fish for bait and tuna in all waters under Senegal's jurisdiction.
 5. Surface longliners shall be authorized to drop their lines:
 - (a) from 15 nautical miles off the baselines between the Senegal-Mauritania border and the latitude of Portudal (14°27'00"N);
 - (b) from 25 nautical miles off the baselines between the latitude of Portudal (14°27'00"N) and the northern Senegal-Gambia border;
 - (c) from 25 nautical miles off the baselines between the southern Senegal-Gambia border and the Senegal-Guinea Bissau border.
 6. For safety reasons fishing activities and anchoring and casting shall be forbidden in the area defined by the following coordinates:

A =	L 14° 40'00" N	—	G =	017° 43,30 W
B =	L 14° 40'00" N	—	G =	017° 30,50 W
C =	L 14° 40'65" N	—	G =	017° 28,22 W
D =	L 14° 40'60" N	—	G =	017° 28,17 W
E =	L 14° 39'08" N	—	G =	017° 26,20 W
F =	L 14° 39'00" N	—	G =	017° 25,90 W
G =	L 14° 39'78" N	—	G =	017° 24,05 W
H =	L 14° 39'78" N	—	G =	017° 23,95 W
I =	L 14° 30'00" N	—	G =	017° 23,90 W
J =	L 14° 30'00" N	—	G =	017° 43,30 W.

G. Radio communications

The captain shall authorize the observer to contact the PSPS (Projet de Protection et Surveillance des Pêches du Sénégal) by radio twice per week.

H. Observers

1. (a) When fishing in Senegal's waters, all Community trawlers and longliners of more than 300 GRT shall accept on board an observer designated by Senegal. The captain shall facilitate the work of the observer, who shall enjoy all the respect owed to the officers of the vessel concerned.
- (b) The Senegal authorities shall communicate to the Commission of the European Communities the names of the designated observers.
- (c) Subject to the restrictions imposed by the vessel, observers shall be provided with board and accommodation at the shipowner's expense. Their meals shall be served in the officer's messroom and they shall be accommodated in the areas provided for the officers or, if this is impossible, in a living area distinct from that provided for the crew.
2. (a) Trawlers and longliners of less than 300 GRT shall take on board a seaman designated by Senegal who shall act as seaman/observer.
- (b) In the case of freezer tuna seiners, one of the Senegalese seamen on board may be designated seaman/observer.

(c) Captains shall facilitate the work of the seamen/observers that is additional to actual fishing operations. Seamen/observers shall receive the normal seaman's rate of pay from the shipowner.

3. Owners of trawlers or longliners shall make a flat-rate payment to the PSPS of ECU 10 for seamen/observers and ECU 20 for observers for each day spent on board.
4. In principle the observer shall be taken on board for a maximum period of 60 days. This period may be extended where the duration of a voyage by the vessel on which the observer is taken on board exceeds that period.

In such case, the observer shall leave the vessel on its return. A deposit equivalent to 60 days' activity at sea shall be lodged before the boarding of the observer or seaman/observer. Settlement is to be made after each voyage.

5. The taking on board and disembarkation of observers shall not interrupt or hinder fishing operations. Observers may therefore be taken on board and/or leave the vessel in a port elsewhere than in Senegal provided that their travel and other expenses are reimbursed by the shipowner.

The deposit equivalent to 60 days' activity at sea is to be considered an advance on the payment of the observer's allowance. The latter shall be paid after the observer has left the vessel. A final statement of advances made shall be drawn up at the end of the calendar year.

I. Minimum authorized mesh

The minimum mesh sizes for authorized industrial fishing gear are as follows (mesh opening):

- purse seines with live bait: 16 mm,
- standard otter trawls (fish or cephalopods): 65 mm,
- standard otter trawls (black hake): 60 mm,
- deep-sea shrimp trawls: 40 mm.

In the case of tuna, the international standards recommended by the ICCAT are to be applied.

J. Boarding

The delegation of the Commission of the European Communities in Dakar shall be notified within 48 hours of the arrival at the Marine Nationale base of the boarding of any fishing vessel flying the flag of a Member State of the Community fishing under the Fisheries Agreement between Senegal and the Community, and of the circumstances and reasons leading to such boarding.

Appendix 1

REPUBLIC OF SENEGAL

MINISTRY RESPONSIBLE FOR MARITIME FISHING

DIRECTORATE OF OCEANOGRAPHY
AND MARITIME FISHINGAPPLICATION
FORM FOR A
FISHING LICENCE

For official use only	Remarks
Nationality:
Licence No:
Date of signing:
Date of issue:

APPLICANT

Name of firm:

Number and date of authorization of the company:

Trade register No (*):

First name and surname of applicant:

Date and place of birth:

Occupation:

Number of levy payer's account (*):

Address:

Number of employees (*): Permanent (*): Temporary (*):

Name and address of co-signatory:

Annual turnover figure (*):

VESSEL

Type of vessel: Registration No:

New name: Former name:

Date and place of construction (*):

Original nationality:

Date of assumption of Senegalese flag (*):

Provisional Period granted Permanent

Length: Beam: Hold:

Gross tonnage: Net tonnage:

Type of building materials: Draught:

Make of main engine: Type: Ratings:

Propeller: Fixed ☐ Variable ☐ Ducted ☐

Transit speed:

Call sign: Call frequency:

LIST OF NAVIGATION, SOUNDING AND TRANSMISSION INSTRUMENTS

Radar <input type="checkbox"/>	Sonar <input type="checkbox"/>	VHF radio <input type="checkbox"/>
Satellite navigation <input type="checkbox"/>	Netsonde <input type="checkbox"/>	HF, BLU radio <input type="checkbox"/>
Automatic pilot <input type="checkbox"/>	Scanmar <input type="checkbox"/>	Telex <input type="checkbox"/>
Route plotter <input type="checkbox"/>		

Other:

(*) Optional for foreign vessels.

CONSERVATION

Packed in ice ☐Ice + refrigeration ☐Freezing in brine ☐Dry ☐Refrigerated sea water ☐

Total refrigerating power:

Freezing capacity in tonnes/24 hours:

Hold capacity:

TYPE OF FISHING

A. Inshore demersal

Shrimp ☐Fish and cephalopods ☐Type of fishing gear: Fish ☐Shrimps ☐Long line fishing ☐

1. Length of trawl: Headline:

Mesh size in the body: In the wings:

2. Length of line: Number of hooks:

Number of lines: Size of hooks:

B. Deep-sea demersal

Shrimp ☐Fish ☐Type of fishing gear: Shrimp ☐Fish ☐Long line fishing ☐

1. Length of trawl: Headline:

Mesh size in the body: In the wings:

2. Length of line: Number of hooks:

Number of lines: Size of hooks:

C. Inshore pelagic

Pelagic trawler ☐Seine ☐

1. Length of trawl: Headline:

Mesh size in the body:

2. Length of seine: Depth of seine:

Mesh dimension (drawn):

D. Deep sea pelagic (tuna)

Type of fishing gear: Seine ☐ Pole and line ☐ Long line ☐

1. Length of seine: Depth of seine:

Mesh dimension (drawn):

2. Number of poles and lines:

3. Long line

Length of lines: Number of hooks:

Number of lines: Size of hooks:

Number of pots: Capacity in tonnes:

E. Longlines and pots

Number of pots: Material:

Length (base diameter): Width (upper diameter):

Diameter of openings: Method of cover:

Mesh (cover):

SHORE INSTALLATIONS (*)

Address and permit No:

Name of firm:

Activities:

Domestic wholesale fish trade ☐ Export ☐

Type and No of wholesale trader's card:

Description of processing and conservation plant:

No of employees: Senegalese: Foreigners:

Permanent: Temporary:

(*) Optional for foreign vessels.

Technical remarks of the Director of Fisheries

Authorization of the State Secretariat for Animal Resources

Appendix 2

STATEMENT OF CATCH MADE BY VESSELS USING LONG LINES AND POTS

SPACING OF CATCH EQUIPMENT
(Hooks or pots):

TYPE OF FISHING (long lines or pots):

NAME OF VESSEL:

[illegible]

Appendix 3

STATEMENT OF CATCH BY BOTTOM TRAWLERS

Voyage from: to:

NAME OF VESSEL:

TYPE: Wet or freezer

NATIONALITY:

Species	Dates						
Fishing zone (¹)							
Souder							
Time of fishing							
Total weight of catch							
Total weight thrown back							

(¹) Dakar North, Petite-Côte or Casamance.

Appendix 4

STATEMENT OF CATCH BY TUNA VESSELS

Voyage from: to:

NAME OF VESSEL:

TYPE: Pole and line or seine

NATIONALITY:

Catch from Senegal's economic zone

(in tonnes)

Species	Tonnage landed	Tonnage not landed	Thrown back	Total
Albacore				
Skipjack				
Bigeye				
Thunnidae + Bonito				
Other species				
Total				

